

**UNITED STATES COURT OF APPEALS  
FOR THE SEVENTH CIRCUIT**

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NATIONAL LABOR RELATIONS BOARD,

*Petitioner in Contempt,*

*v.*

CONTEMPORARY CARS, INC. doing business  
as MERCEDES-BENZ OF ORLANDO and  
AUTONATION, INC., single and joint  
employers,

*Respondents in Contempt.*

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Nos. 14-3723 & 15-1187

**UNOPPOSED MOTION OF THE NATIONAL LABOR  
RELATIONS BOARD TO WITHDRAW CONTEMPT PETITION**

To the Honorable, the Judges of the United States  
Court of Appeals for the Seventh Circuit:

The National Labor Relations Board (“NLRB” or “Board”) respectfully moves to withdraw the contempt petition in this case based on Respondents’ compliance with the reinstatement remedy encompassed by this Court’s February 26, 2016 Final Judgment (“Judgment”). In support thereof, the Board shows as follows:

1. On October 2, 2017, the Board filed the *Petition for Adjudication in Civil Contempt and other Civil Relief* (“Petition”) alleging that Respondents Contemporary Cars, Inc. and AutoNation, Inc. were in contempt of this Court’s Final Judgment by delaying and failing to offer Anthony Roberts, Juan Cazorla, David Poppo, Larry Puzon, and Tumeshwar Persuad full reinstatement to their former jobs. (Contempt Petition, ECF No. 43).

2. On October 4, 2017, this Court ordered Respondents to respond to the Petition by October 18, 2017 and show cause why they should not be held in contempt. (Order, ECF No. 46). By further Order dated October 17, 2017, this Court extended the time for Respondents to respond and show cause to November 15, 2017. (Order, ECF No. 48).

3. After the Board filed the Petition, Respondents conferred with the NLRB through counsel and sent letters offering reinstatement to Roberts, Cazorla, Poppo, Puzon, and Persuad. Respondents subsequently conferred with these five individuals regarding the offers of reinstatement.

4. On November 8, 2017, based on the NLRB's unopposed motion, the Court stayed these contempt proceedings and ordered the case to be held in abeyance for ninety days to allow the parties to resolve this post-judgment dispute without the necessity of further Court intervention. (Order Holding in Abeyance, ECF No. 50).

5. Juan Cazorla was returned to work on December 5, 2017. Tumeshwar Persuad, Larry Puzon, and David Poppo have informed Respondents that they decline the offers of reinstatement. By mutual agreement, Respondents have extended the deadline for Anthony Roberts to report to May 1, 2018.

6. The NLRB believes, under the circumstances of this case and based on the information available to it, that these actions by Respondents are sufficient to comply with the reinstatement remedy encompassed in the Final Judgment. In view of Respondents' compliance with the reinstatement remedy, the NLRB is requesting withdrawal of the contempt petition.

WHEREFORE, for the reasons set forth above, the Board respectfully requests that Respondents be discharged from the order to show cause and that this contempt petition be withdrawn.

Respectfully submitted,

**NATIONAL LABOR RELATIONS BOARD**

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Dated at Washington, D.C.,  
this 2nd day of February, 2018.

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing was filed electronically with the Court's CM/ECF system this 2<sup>nd</sup> day of February 2, 2018, which will send an electronic notice to all registered parties and counsel. Parties may access the filing through the Court's CM/ECF system.

s/ Dean Owens

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